

No. 26-_____

In the Supreme Court of the United States

MARGARET J. LOWERY,

Petitioner,

v.

**STATE OF OKLAHOMA ex rel.
OKLAHOMA BAR ASSOCIATION**

Respondent.

**On Petition for Writ of Certiorari
to the Supreme Court of Oklahoma**

OCTOBER 2026 TERM

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INTRODUCTION

In constitutional terms, this is a “broken window” case. It presents a repeated structural failure in constitutional review. Illinois imposed discipline without adjudicating preserved predicates of jurisdiction, charging authority, access, and attribution. Oklahoma then gave that judgment summary reciprocal effect, rejected *Selling* review, and supplied the missing jurisdictional premise through ex post jurisdiction by status. The combined result is a constitutional exception zone in which federal rights exist in doctrine but no tribunal accepts responsibility for adjudicating them.

I.

QUESTIONS PRESENTED

1. Whether a receiving State may impose summary reciprocal discipline when the originating State never adjudicated preserved challenges to jurisdiction, charging authority, due process, Title II access, and attribution, and the receiving State declines independent constitutional review under *Selling v. Radford*.

2. Whether the Fourteenth Amendment permits ex post jurisdiction by status (historic admission in one state with continuing licensure in another), where no adjudicated jurisdictional nexus connected the originating State to a retired attorney’s post-retirement, out-of-state conduct, and the receiving State thereafter sustained the originating State’s authority based upon historical admission and continuing licensure in another State.

3. Whether Titles II and V of the Americans with Disabilities Act permit a State to deny a disabled attorney direct access by treating private counsel as the

accommodation, and then to use the resulting exclusion or the invocation of accommodation rights adversely.

4. Whether, before professional discipline may be imposed for speech, the State must establish through constitutionally adequate process both authorship and the actual content of the statement being punished.

II.

LIST OF PARTIES

1. Margaret Jean Lowery
2. State of Oklahoma ex rel. Oklahoma Bar Association

III.

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OPINIONS BELOW

Orders - Oklahoma Supreme Court

June 24, 2026	Order of Disbarment (published), <i>State ex rel. Oklahoma Bar Association v. Lowery</i> , SCBD No. 8075, 2026 OK 50.
February 26, 2026	Order Denying Motion for ADA Accommodation and Notice of Federal Judicial Finding of Disability and Denying Motion for Continuance.

Reference Pleadings Only

January 16, 2026	Order Granting ADA Accommodation to Lowery by U.S. District Court for the Southern District of Illinois, Judge David Dugan in 25-CV-2060.
March 10, 2026	Notice of Termination of Representation (Lowery already entered her appearance on February 25, 2026. Oklahoma Supreme Court Rule 1.5 provides: “A motion to withdraw may be filed at any time. However, unless successor counsel enters an appearance, leave of Court must be obtained for withdrawal.” Lowery entered her appearance of record.
July 28, 2026	A Petition for Rehearing before the U.S. Supreme Court was filed in SCOTUS Case #25-7209 regarding the Certiorari Denial of the Illinois denial of predicate review in Illinois Case #2023PR00060.

July 14, 2026

A Petition for Rehearing of the June 24, 2026 order was filed before the Oklahoma Supreme Court in Case #8075 and the court has not ruled.

July 24, 2026

A Motion to Vacate the June 24, 2026, Order was timely filed in 8075 before the Oklahoma Supreme court but to date the Court has not ruled on the pending motions.

VI.

JURISDICTION

1. This Court has jurisdiction under 28 U.S.C. § 1257(a). On June 24, 2026, the Supreme Court of Oklahoma entered and published its Order imposing reciprocal disbarment upon Petitioner. The published opinion establishes Oklahoma precedent under Rule 7.7: it rejects the independent review prescribed by *Selling v. Radford*, makes reciprocal discipline summary, forecloses review of the constitutional predicates underlying the foreign discipline, and sustains the originating State's jurisdiction through **ex post jurisdiction by status**—Petitioner's historical admission in Illinois coupled with continuing licensure in Oklahoma. The Order is operative and continues to impose the professional deprivation challenged here.

2. Petitioner timely sought rehearing on July 14, 2026, and timely moved to vacate the June 24 Order on July 24, 2026. Those requests remain undecided. Neither has stayed the published Order, suspended its consequences, or withdrawn its precedential effect.

3. The absence of a ruling on those post-judgment requests should not permit the State indefinitely to postpone review of an already operative federal deprivation. When Petitioner sought disability accommodation and additional time necessary to file her brief following acute myocardial infarction and coronary-artery-bypass surgery, Oklahoma denied the requested access and proceeded to judgment without her. Having imposed the challenged deprivation without permitting the delay necessary for Petitioner to participate, the State should not be permitted to control access to federal review through its own continuing non-disposition of her post-judgment filings.

4. Section 1257 requires a judgment of the State's highest court sufficiently final for review. 28 U.S.C. § 1257(a). This Court, however, has long applied that requirement pragmatically where the federal issue has been determined and postponement would seriously erode the federal right or leave an operative state rule of doubtful constitutionality in force. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 477–87 (1975). *Cox* specifically recognized the significance of leaving persons to operate under an unreviewed state rule whose constitutionality is seriously disputed. See also *Southland Corp. v. Keating*, 465 U.S. 1, 6–8 (1984).

5. That concern is present here. Oklahoma has already published and put into operation the constitutional rules challenged in this Petition, and the resulting disbarment remains effective. Postponement does not preserve Petitioner's federal rights; it prolongs the deprivation while leaving the published Rule 7.7 precedent in force. Under the practical-finality principles recognized in *Cox* and *Southland*, the June 24 Order is sufficiently final for review under § 1257(a).

VII.

CONSTITUTIONAL PROVISIONS INVOLVED

1. **U.S. Const. art. VI, cl. 2 (Supremacy Clause):** “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”
2. **U.S. Const. amend. XIV, § 1 (Due Process and Equal Protection Clauses):** “No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”
3. **42 U.S.C. § 12132 (Title II of the Americans with Disabilities Act):** “Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”
4. **42 U.S.C. § 12131(1):** “The term ‘public entity’ means—

(A) any State or local government;

(B) any department, agency, special purpose district, or other instrumentality of a State or States or local government.”

5. The pertinent text of Illinois Supreme Court Rule 753, Illinois Supreme Court Rule 766, and Oklahoma Rule Governing Disciplinary Proceedings 7.7 is reproduced in the Appendix.

VIII.

STATEMENT OF THE CASE

This case did not begin with social-media posts, political speech, or an attorney attacking judges. It began with Petitioner asking Illinois judicial authorities to stop what she believed was continuing harassment by an Illinois judge after she had left Illinois and was living and practicing in Oklahoma. What followed, Petitioner contends, was the progressive use of attorney-disciplinary machinery against the person who made that complaint, with the theory of misconduct changing as evidence emerged undermining the theory that preceded it.

The resulting case is extraordinary. Petitioner had retired from the Illinois bar. She lived in Oklahoma. The disciplinary proceeding did not arise from a client complaint alleging theft, neglect, mishandling of funds, criminal conduct, or misconduct in representing a client. It ultimately centered upon speech and social-media material Petitioner denied authoring. She challenged jurisdiction, charging authority, attribution, evidentiary reliability, notice, and disability access; sought discovery and a hearing; and contends that no tribunal ever adjudicated those predicates before Illinois imposed discipline and Oklahoma summarily disbarred her by giving the Illinois disposition reciprocal effect.

A. Petitioner's Disability Predated the Proceedings; Only the Institutional Response Changed

Petitioner suffered a spinal-cord injury in 1989 and thereafter required disability accommodation. The disability did not prevent a substantial professional and civic career. She earned a master's degree in health administration, became general counsel of a healthcare system, taught law, wrote and contributed to professional texts, served on bar and nonprofit committees, served in Character and Fitness and professional-responsibility functions, participated in state mental-health work, assisted lawyers with PTSD through Lawyers Helping Lawyers/LAP, and held leadership positions in Rotary, including Rotary President and Rotarian of the Year. She was elected a Fellow of the bar foundations of both Illinois and Oklahoma. Her disability was not historically treated as professional unfitness; at times, her experience as a disabled professional was itself regarded as useful to the institutions she served.

That history supplies the relevant comparison. For decades, disability, accommodation, and professional fitness coexisted without controversy. Petitioner continued to work and serve while obtaining accommodation when necessary. The conflict arose only when she invoked Title II against the disciplinary system itself. Thereafter, Petitioner contends, accommodation ceased to be treated as a means of enabling professional participation and became evidence used against her: requests for access were characterized as inconsistent with professional fitness, and the consequences of denied access were later treated as nonparticipation or misconduct. The disability did not change. What changed was the institutional consequence attached to Petitioner's assertion of federal disability rights.

Petitioner therefore did not seek accommodation to avoid adjudication. She sought accommodation for the same purpose for which she had used it throughout her professional life: to permit her to participate. The constitutional problem presented here arose when the disciplinary process transformed that request for access into a reason to deny access and then used the resulting exclusion adversely against her.

B. Petitioner Reported the Alleged Judicial Harassment; the Disciplinary Theory Then Changed

By 2023, Petitioner had retired from the Illinois bar and was living and practicing law only in Oklahoma. She asked the Administrative Office of the Illinois Courts to intervene after Judge Andrew Gleeson continued filing bar complaints against Petitioner and members of her Oklahoma law firm concerning conduct in Oklahoma. The disciplinary proceeding that followed did not initially concern offensive Internet speech. It rested instead upon an asserted failure to report judicial misconduct—the very harassment Petitioner was asking the Illinois courts to stop.

ARDC then asserted that Petitioner had failed to report that misconduct as required by *In re Himmel*. That premise collapsed when retired Illinois Chief Justice Lloyd Karmeier confirmed that Petitioner had reported Gleeson’s conduct to the Illinois Supreme Court, while Assistant State’s Attorney Paul Evans separately supplied corroborating evidence concerning the underlying courthouse harassment. ARDC did not end the inquiry when confronted with that exculpatory evidence. **Instead, the theory of misconduct changed, while the discipline ultimately sought was withheld until after the evidentiary hearing had concluded.**

C. The Controversy Shifted From Failure to Report, to a Holocaust-Museum Inquiry, and Then to Alleged Social-Media Posts

The next stage bore little resemblance to conventional attorney discipline. On June 27, 2023, ARDC counsel sent a written demand to counsel for the Kaplan Feldman Holocaust Museum in St. Louis seeking information concerning Petitioner's attendance at a Museum event.

Petitioner contends that the Nazi and Holocaust subject did not originate with gratuitous rhetoric by her. The record describes the subject as arising after Petitioner was characterized as holding Nazi or far-right beliefs because she was a registered Republican who supported President Trump. Petitioner responded that the characterization was particularly absurd in light of her family history. The controversy thereafter expanded into governmental inquiry concerning her attendance at a Holocaust Museum event.

Petitioner sought federal intervention. She complained to the United States Department of Justice concerning ARDC conduct, including disability access and the disciplinary process. According to the record, the social-media allegations followed that escalation; the federal filing places ARDC's allegations concerning social-media posts after Petitioner's July and November 2023 reports to DOJ concerning ARDC conduct.

Only then did the controversy become the social-media case eventually used to support professional discipline.

Petitioner denied that the accounts were hers. She denied creating or controlling them. She denied writing the attributed posts. Her position therefore was not principally that offensive statements about judges were protected speech. Petitioner denied being the speaker. Her filings identify third-party vendor evidence, platform documentation, and

forensic material that she contends demonstrate that the accounts and posts attributed to her were not hers.

That distinction substantially narrows this case. Petitioner does not contend that attorney status creates a constitutional privilege to threaten judges, knowingly fabricate accusations against them, or engage in abusive personal attacks because a lawyer disagrees with judicial decisions. Courts cannot function if judges may be intimidated for performing their duties.

But the converse principle matters as well. Lawyers do not cease to be citizens when they report governmental misconduct, petition governmental authorities, or criticize judicial institutions. The Constitution requires room between intimidation of judges and intimidation of those who criticize judges. Professional regulation cannot erase that space.

More fundamentally, no difficult First Amendment balancing question arises until attribution has been established. Before a State may punish a person for speech, it must establish that the person actually made it.

D. The Mechanisms Through Which Petitioner Could Test the State's Allegations Were Progressively Closed

Illinois Supreme Court Rule 753 required Inquiry Board authorization before formal disciplinary charges could proceed. Petitioner contends the official record contains no vote, referral, order, certification, or other evidence that the Inquiry Board authorized the Complaint prosecuted against her. She therefore challenged whether the proceeding ever acquired the charging predicate Illinois law required.

Petitioner also contested Illinois's jurisdiction over alleged post-retirement conduct occurring while she lived and practiced in Oklahoma and requested a jurisdictional

hearing. None was provided. She sought discovery to test authorship, authenticity, and the existence of primary-source evidence connecting her to the disputed accounts and statements. Her filings identify fifty-five discovery denials.

Petitioner separately sought disability accommodations and continuances necessary to participate. On May 2, 2024, while undergoing medical treatment two States away, she received approximately thirty minutes' notice that her continuance had been denied, but not the remote-access link necessary to participate. An Assistant State's Attorney later corroborated the lockout and short notice. The proceeding went forward without her.

Thus, disputed predicates were accumulated rather than adjudicated: Inquiry Board authorization, jurisdiction, authorship, authenticity, and meaningful access. **Petitioner repeatedly sought the means to test those predicates; the State denied them and then treated the predicates as established.**

E. Illinois Reached Finality Without Adjudicating the Preserved Constitutional Predicates

The Illinois Supreme Court could have supplied the missing adjudication. Petitioner presented preserved objections concerning jurisdiction, charging authority, due process, attribution, evidentiary integrity, and disability access. The Court denied discretionary review and ultimately entered discipline without adjudicating those predicates.

The distinction between finality and adjudication is central to this case. A judgment may be procedurally final because no further ordinary state review remains. But reciprocal discipline rests upon a different proposition: that another sovereign has already

performed sufficient adjudicative work to justify the receiving sovereign in abbreviating its own.

Here, Petitioner contends, Illinois produced the first without providing the second.

F. Oklahoma Then Converted the Illinois Disposition Into the Predicate for Summary Disbarment

Oklahoma received the Illinois disposition under Rule 7.7 of the Rules Governing Disciplinary Proceedings. Rule 7 is expressly denominated “Summary Disciplinary Proceedings Before Supreme Court.” Rule 7.7 is triggered by a “final adjudication” in another jurisdiction. Once triggered, the foreign documents constitute the charge and prima facie evidence, while any additional evidentiary hearing is discretionary.

That structure presupposes that adjudication occurred somewhere else. The less adjudication Oklahoma intends to perform itself, the more important the constitutional sufficiency of the adjudication it imports becomes.

Petitioner therefore raised in Oklahoma the predicates Illinois had left unresolved. She invoked *Selling v. Radford*. She challenged whether Illinois possessed jurisdiction, whether the charges had been properly authorized, whether she authored the attributed speech, whether the evidence was authentic, whether the Illinois proceeding afforded constitutionally adequate process, and whether she had received meaningful access under Title II of the Americans with Disabilities Act. She requested a hearing and requested accommodations necessary to participate. Oklahoma did not supply the missing adjudication.

Instead, its published decision held that *Selling* did not govern Oklahoma’s reciprocal proceeding because *Selling* involved federal reciprocal discipline. Oklahoma

simultaneously gave dispositive effect to the Illinois disposition while disclaiming the independent constitutional inquiry Petitioner invoked to determine whether that disposition was constitutionally capable of receiving reciprocal effect.

The resulting circularity is the central structural problem in this case: Illinois did not adjudicate the predicates Oklahoma presumed; Oklahoma did not adjudicate them because it relied upon Illinois; and Oklahoma rejected the *Selling* inquiry that could have determined whether reliance upon Illinois was constitutionally permissible.

G. The Oklahoma Proceeding Continued Through Petitioner's Heart Attack and Open-Heart Surgery

The disability-access issue became more acute during the Oklahoma proceeding. Petitioner continued seeking Title II accommodation so that she could participate. Her counsel confronted the problem that the State was effectively expecting counsel to supply the accommodation necessary for Petitioner to access the State's proceeding, although counsel could not perform the governmental function Title II assigns to the public entity. Counsel ultimately withdrew.

During the pendency of the Oklahoma proceeding, Petitioner suffered an acute myocardial infarction and subsequently underwent coronary artery bypass surgery. Even hospitalization, a heart attack, and open-heart surgery did not result in the accommodation or stay she sought. The proceeding continued to judgment.

The relevance of these facts is not an appeal for sympathy. It is access. Petitioner had spent decades continuing to work despite a spinal-cord injury and had served in emergency-response environments when others needed her. Throughout these proceedings she repeatedly sought a means to participate. The disciplinary systems

nevertheless converted an access problem into nonparticipation and then proceeded as though constitutionally meaningful process had been available.

Ultimately, Oklahoma imposed reciprocal disbarment without providing the hearing Petitioner had requested on the predicates underlying the foreign judgment.

Petitioner does not seek a second hearing. She seeks the first one.

H. **Oklahoma's Treatment of Petitioner's Alleged Speech Demonstrates Why Attribution Must Precede Discipline**

This case presents an antecedent question to the constitutional limits on disciplining lawyers for judicial criticism: **what if the lawyer did not make the attributed statement?**

The disciplinary narrative characterized Petitioner as comparing Illinois judges to the “Jim Crow South.” Her pleading did not say that. It challenged Illinois’s asserted use of professional status as a basis for jurisdiction and evidence, comparing that methodology to governmental systems that should remain in the past. Oklahoma subsequently accepted the underlying status-based jurisdictional proposition, recognizing Illinois’s continuing authority over a retired Illinois lawyer because she retained an active Oklahoma license.

The problem is therefore twofold: the disciplinary process attributed language to Petitioner that her pleading did not contain, while Oklahoma substantially confirmed the jurisdictional proposition her pleading actually challenged. **A legal argument cannot become professional dishonesty merely because a tribunal rejects its analogy, and speech cannot be punished as false after the State changes what the speaker said.**

Oklahoma’s published decision creates a related problem by permitting a disputed legal conclusion to become a “false statement,” with knowledge inferred from the

tribunal's determination that the law was sufficiently clear. That principle could convert an erroneous legal argument into professional dishonesty merely because a court later rejects it.

I. The Jurisdictional Theory Extends Beyond Attorney Discipline

The jurisdictional issue is equally antecedent. Petitioner had retired from Illinois practice. Illinois nevertheless asserted continuing regulatory authority over her alleged post-retirement, out-of-state conduct because of her historical Illinois admission and continuing licensure in Oklahoma. Oklahoma gave effect to that theory. The resulting rule is one in which "status, not adjudicated fact," supplies governmental authority.

Petitioner does not contend that retirement immunizes a former lawyer from discipline for professional misconduct committed while licensed or from every legitimate continuing obligation arising from former membership in a bar. The question is narrower and more consequential: what jurisdictional nexus must a State establish before historical professional status permits it to exercise coercive governmental authority over conduct occurring after retirement and outside its territory?

Illinois never provided the requested jurisdictional adjudication. Oklahoma treated Illinois's asserted jurisdiction as sufficient. That sequence transformed the very proposition Petitioner had challenged, jurisdiction based upon continuing professional status, into the basis for interstate coercive action.

J. This Case Presents the Missing Federalism Boundary

This case, in its various iterations, has previously reached this Court. The perspective supplied by the completed interstate sequence reveals that the controversy is

not simply one lawyer's grievance concerning bar regulation. It presents a recurring structural question concerning where federal constitutional rights may be adjudicated when coercive governmental action moves between sovereigns.

T.M. identifies one boundary. *T.M. v. University of Maryland Medical System Corp.*, 608 U.S. ____ (2026). A federal district court may not function as an appellate tribunal merely because a federal plaintiff disagrees with a constitutional determination actually made by a state court.

But that principle necessarily presents the opposite question: what happens when the State exercises coercive power but no competent tribunal ever adjudicates the preserved federal predicate necessary to make that exercise lawful?

If a federal plaintiff must prove that a state court was wrong about an issue the state court actually decided, the federal action risks becoming appellate review of the state judgment. But where no competent tribunal decided the federal question at all, there is no constitutional adjudication to review. There is an unresolved predicate being treated as though adjudication occurred.

First Choice addresses federal judicial authority when governmental coercion itself creates a concrete constitutional injury before completion of state enforcement. This case presents the boundary between those principles. *First Choice Women's Resource Centers, Inc. v. Davenport*, 608 U.S. ____ (2026).

The originating State may not be permitted to decline adjudication of preserved constitutional predicates; the receiving State then abbreviate its own process because a foreign judgment exists; and the federal courts thereafter decline original jurisdiction

because a resulting state judgment now exists. If that sequence is constitutionally sufficient, the federal right does not lose on the merits. It disappears without decision. That is the structural failure Petitioner asks this Court to address.

IX.

REASONS TO GRANT WRIT

1. STATES ARE WEAPONIZING TITLE II ACCESS IN COURT PROCEEDINGS.

Oklahoma did not permit delay when delay was necessary to protect Petitioner's ability to participate. It denied her accommodation and proceeded through acute myocardial infarction and coronary-artery-bypass surgery to an operative judgment. Having imposed that deprivation, the State's continued non-disposition of Petitioner's timely post-judgment requests now prolongs the very injury for which review is sought. A State should not be able to impose the deprivation immediately but control access to federal review indefinitely afterward.

Thus two state judicial systems have now used sovereign disciplinary power against a disabled woman to attack her First and Fourteenth Amendment rights, relying upon fabricated ancestry-based evidence to deny federally protected disability access to the courts. The ancestry-based narrative was then employed by each State to justify allegedly retaliatory judicial treatment. That use of governmental power evokes precisely the danger constitutional protections were designed to prevent: government using status and fabricated group-based accusations to justify the deprivation of individual rights.

This case is the broken window. If a State may respond to the invocation of Title II by using its own judicial process as the instrument of retaliation, transform disputed or

fabricated allegations into adjudicative facts, and then insulate those acts through sovereignty, reciprocity, and finality, the federal rights at issue cease to operate as restraints on state power. The First and Fourteenth Amendments and Titles II and V of the ADA remain words on paper while the State actor they were designed to restrain becomes effectively beyond their reach.

That is why this case requires review. The question is not whether Petitioner was wrongly disciplined; it is whether a State's sovereign power permits its judiciary to extinguish the constitutional predicates that sovereign power is itself constitutionally bound to respect.

2. Status based jurisdiction cannot form the basis of state regulatory power.

Illinois's theory is effectively a "Hotel California" rule of bar regulation: once a lawyer is admitted to the bar, he/she may never retire, leave the State, or cease practicing there, because historic licensure remains sufficient to preserve continuing disciplinary jurisdiction over post-membership speech when that speech has no nexus to any client or attorney representation while licensed in Illinois.

Petitioner does not dispute that a State may require a former lawyer to return to answer for obligations arising from her time as an Illinois licensed attorney. The problem is unattributed offensive speech cannot provide that nexus.¹ The constitutional problem arises when historical professional status alone is used to subject a retired, out-of-state lawyer to disciplinary authority over unattributed or unvalidated claims of offensive

¹ If a lawyer in another state made a criminal threat, it would be handled by the police not bar regulators.

speech unrelated to any client, representation, or continuing professional obligation in the State.

3. **RECIPROCAL DISCIPLINE CANNOT CREATE CONSTITUTIONAL FINALITY WHERE NO SOVEREIGN ADJUDICATED THE PRESERVED FEDERAL PREDICATES**

Rule 7.7's summary procedure presupposes that adjudication has already occurred elsewhere. A foreign "final adjudication" becomes the charge and prima facie evidence, while a new evidentiary hearing is discretionary. Oklahoma can abbreviate the second proceeding only because the first adjudication supposedly supplies what the second omits.

Petitioner invoked *Selling v. Radford* to challenge that premise. Oklahoma held *Selling* inapplicable because it involved federal reciprocal discipline and gave dispositive effect to the Illinois judgment without determining whether that judgment possessed the constitutional characteristics necessary to support summary treatment.

That creates the federalism problem presented here. Illinois did not adjudicate Petitioner's preserved objections concerning jurisdiction, notice and process, Title II access, and attribution. Oklahoma did not adjudicate them because it treated Illinois's disposition as sufficient. And Oklahoma rejected the *Selling* inquiry that could have determined whether reliance upon that disposition was constitutionally permissible.

This Court's decisions identify the boundaries of the resulting gap. *T.M.* limits federal district courts from acting as appellate tribunals over federal questions actually adjudicated by state courts. *First Choice* recognizes federal jurisdiction where governmental coercion itself creates a concrete constitutional injury before completion of state enforcement. This case presents the question between them: **what happens when governmental coercion occurs but no competent tribunal ever adjudicates the preserved federal predicate necessary to make it lawful?**

Where a State actually adjudicates a federal question, ordinary principles governing review of state judgments apply. But where no tribunal decided the federal question, there is no constitutional adjudication to review—only an unresolved predicate being treated as though adjudication occurred. Federalism does not permit the originating State to decline adjudication, the receiving State to decline it because its proceeding is reciprocal, and the federal courts thereafter to decline original jurisdiction because a state judgment now exists.

Selling supplies the reciprocal safeguard. It prevents another sovereign's disciplinary judgment from becoming automatically controlling without examination for want of due process, infirmity of proof, or other grave reason. *In re Ruffalo* supplies the complementary safeguard: the disciplinary character of the proceeding does not diminish the constitutional requirement of notice and a meaningful opportunity to defend before professional deprivation occurs.

The less adjudication the receiving State provides, the more—not less—important the constitutional validity of the adjudication it imports. Otherwise reciprocity ceases to recognize an adjudication and instead transmits an unadjudicated constitutional defect between sovereigns.

Petitioner does not seek reconsideration of a constitutional determination made by Illinois or Oklahoma. There is no such determination to reconsider. She does not seek a second hearing. She seeks the first one.

This Court should grant review to determine whether reciprocal enforcement may create constitutional finality where no sovereign adjudicated the preserved federal predicates upon which the deprivation depends.

4. Due Process Requires Some Tribunal to Adjudicate the Constitutional Predicates Necessary to Finality

Illinois divided disciplinary authority among an Inquiry Board, Hearing Board, Review Board, Administrator, Commission, and Supreme Court. Division of governmental responsibility

does not itself violate due process. But neither can delegation disperse constitutional responsibility until no tribunal remains responsible for adjudicating the predicates necessary to the deprivation.

That is the problem presented here. Illinois Supreme Court Rule 753 required an Inquiry Board charging determination before formal proceedings could begin, yet Petitioner contends the official record contains no Inquiry Board authorization of the Complaint. She contested jurisdiction over alleged post-retirement, out-of-state conduct and requested adjudication. She denied authorship and sought discovery to test attribution and authenticity. She sought disability access necessary to participate. Those predicates passed through the Illinois process without adjudication.

The Illinois Supreme Court could have supplied the missing constitutional review. Instead, the proceeding became final without adjudication of those preserved predicates. Oklahoma then treated that finality as the justification for summary reciprocal treatment and declined the independent *Selling* inquiry Petitioner requested.

Due process does not require every actor in a regulatory system to decide every constitutional question. But before government finally deprives a person of a protected interest, **some tribunal possessing authority to adjudicate the preserved constitutional predicates must actually do so.** The number of procedural layers cannot substitute for the constitutional function none performed.

This Court should grant review to determine whether due process permits final governmental deprivation where preserved constitutional predicates pass through multiple adjudicatory layers, and then between sovereigns, without any tribunal accepting responsibility for deciding them.

5. **A RECEIVING STATE CANNOT GIVE SUMMARY RECIPROCAL EFFECT TO A RECORD MATERIALLY COMPROMISED BY CONSTITUTIONALLY PROHIBITED CONSIDERATIONS**

The Title II violation in this case did not consist merely of denying a requested accommodation. Oklahoma used its control over representation to create a procedural structure in which Applicant could neither participate directly nor free herself from the representation arrangement the Court had made the basis for denying her access.

Applicant and Ronald D. Wilkinson both entered appearances in SCBD No. 8075. Applicant then sought reasonable accommodation necessary for her own participation. On February 26, 2026, the Oklahoma Supreme Court denied that request because Wilkinson had entered an appearance and was therefore, in the Court's words, "responsible for all advocacy in this case, including all filings." The Court thus made Wilkinson's representation the stated reason Applicant herself would not receive the requested accommodation.

Wilkinson objected. On March 10, 2026, he filed a Notice of Termination of Representation explaining that he had entered as co-counsel, that Applicant had separately entered her own appearance, and that he could not serve as the State's substitute for the meaningful access Title II required the tribunal to provide. He advised the Court that continued representation under an order excluding his co-counsel from meaningful participation created legal and professional conflicts and that his representation had therefore terminated.

The significance is not whether Wilkinson had an abstract right to disregard ordinary rules governing withdrawal. It is what the Court did with the representation structure it had created. Applicant was already before the Court through her own

appearance. Yet Oklahoma continued to treat Wilkinson as the person through whom Applicant was required to participate while refusing to provide Applicant with the direct access she requested. The result was circular: Applicant could not obtain access because Wilkinson was deemed responsible for all advocacy; Wilkinson could not end the arrangement the Court had imposed; and Applicant's own appearance did not restore her ability to participate.

That circularity then infected Oklahoma's ADA process itself. The Court directed Applicant to seek accommodation through the Administrative Office of the Courts (hereinafter "AOC"). Applicant complied. The AOC responded that it was bound by the Oklahoma Supreme Court and therefore would defer to that Court. Thus, the Court sent Applicant to the AOC, and the AOC sent responsibility back to the Court, while the disciplinary proceeding continued. Applicant contemporaneously described the resulting system as a "closed loop in which responsibility is displaced while the access barrier remains in place" and specifically advised the Court that counsel could not serve as an "ADA substitute, intermediary, or ADA signaler."

The consequences became concrete. Following an acute myocardial infarction and coronary-artery-bypass surgery, Applicant advised Oklahoma that she could not drive, travel to the courthouse or post office, print, mail, or physically deliver filings during postoperative recovery and requested electronic filing or comparable modification. Four days later she advised the Clerk that the ADA process had left her "without a functioning access channel." The proceeding nevertheless continued.

This presents a due-process problem independent of the particular accommodation requested. A tribunal cannot create the procedural condition that prevents a party from participating, use that condition as the reason for denying direct access, prevent the lawyers from altering the representation arrangement on which the exclusion depends, and then proceed as though meaningful participation remained available.

The Court converted control over representation into control over access.

Title II does not permit a State to satisfy its own obligation by compelling private counsel to function as the disabled person's accommodation. Due process likewise cannot permit a tribunal to construct a representation arrangement that excludes a litigant from meaningful participation and then use its own procedural control over that arrangement to perpetuate the exclusion.

This Court should grant review to determine whether Title II and the Fourteenth Amendment permit a state tribunal to deny a disabled litigant direct access, designate private counsel as the mechanism for participation, prevent that arrangement from being terminated despite the litigant's own appearance, and continue adjudicating while no governmental actor accepts responsibility for providing meaningful access.

6. HISTORICAL PROFESSIONAL STATUS CANNOT SUBSTITUTE FOR AN ADJUDICATED JURISDICTIONAL PREDICATE

A State's authority to regulate attorneys does not eliminate the constitutional requirement that governmental jurisdiction exist over the person and conduct being regulated. That requirement becomes especially important when the alleged conduct occurs after the lawyer has retired from the originating State's bar, while the lawyer resides outside that State, and concerns speech or activity occurring outside its territory.

Petitioner had retired from the Illinois bar and was living and practicing in Oklahoma when Illinois asserted disciplinary authority over the conduct at issue. Petitioner challenged that authority and requested a jurisdictional hearing. None was provided. Nor did the Complaint plead facts establishing a territorial, professional, or transactional nexus between Illinois and Petitioner's alleged post-retirement, out-of-state conduct sufficient to resolve the jurisdictional objection she raised.

Illinois instead relied upon Petitioner's continuing professional status. Oklahoma subsequently accepted Illinois's asserted continuing authority because Petitioner remained licensed in Oklahoma. The resulting theory therefore turns not upon an adjudicated nexus between the alleged conduct and Illinois, but upon status: retirement from Illinois does not terminate Illinois regulatory authority so long as the former Illinois lawyer remains licensed somewhere else.

That proposition has consequences extending far beyond this case. Lawyers increasingly practice, speak, teach, publish, serve in government, and retire across state lines. Former government attorneys, retired lawyers, lawyer-candidates, elected officials, academics, and judges may retain or relinquish licenses in multiple jurisdictions at different times. If historical admission coupled with continuing licensure elsewhere permits a State to exercise coercive authority over new, post-retirement conduct occurring beyond its borders, professional status becomes a potentially permanent jurisdictional hook untethered from an adjudicated nexus to the regulating State.

Oklahoma has confronted this constitutional error before. In *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942), this Court rejected Oklahoma's use of legal

classification to impose an extraordinary deprivation without constitutionally sufficient justification for the classification upon which the deprivation depended. Chief Justice Stone separately emphasized the procedural defect: the State had not required adjudication of the factual premise necessary to justify the deprivation.

The subject matter here is entirely different, but the constitutional methodology is familiar. Oklahoma again permits legal status to perform work that adjudicated fact should perform. Petitioner's continuing professional status in another State is treated as sufficient to sustain Illinois's coercive authority without adjudication of the jurisdictional nexus Petitioner specifically challenged.

The historical warning is older still. *Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857), notoriously made legal status dispositive of the availability and exercise of judicial power. The Fourteenth Amendment repudiated the constitutional order that permitted status to determine citizenship and governmental protection in that manner. Petitioner does not compare attorney regulation to slavery or professional discipline to sterilization. The comparison is methodological: governmental power cannot constitutionally rest upon status when the factual and legal predicate necessary to exercise that power has never been adjudicated.

Oklahoma's published decision nevertheless adopts precisely that methodology. It accepts Illinois's continuing authority because Petitioner remains licensed elsewhere, while refusing the hearing at which the jurisdictional predicate could be tested.

Eighty-four years after *Skinner*, Oklahoma again asks status to do the work of adjudicated fact. And nearly seventeen decades after *Scott*, it does so in a published

opinion while simultaneously rejecting the federal constitutional review Petitioner invoked.

Petitioner does not contend that retirement erases liability for professional misconduct committed while licensed or permits a former lawyer to escape legitimate continuing obligations arising from prior representation. The question is narrower: what must a State establish before it may exercise present coercive authority over new conduct occurring after retirement and outside its territory?

At minimum, jurisdiction cannot be supplied by assumption when jurisdiction itself is specifically challenged. The State must identify and adjudicate the factual and legal predicate authorizing its exercise of coercive power.

That did not occur here. Petitioner challenged Illinois's jurisdiction and requested adjudication of that challenge. Illinois did not provide it. Oklahoma then treated Illinois's assertion of jurisdiction as sufficient to support reciprocal discipline. Thus the governmental authority necessary to produce the foreign judgment became itself an unadjudicated predicate imported into Oklahoma through reciprocity.

Professional status may define regulatory obligations. It cannot substitute for adjudication of the jurisdiction necessary to enforce them.

This Court should grant review to determine whether the Fourteenth Amendment permits one State to exercise coercive professional authority over a retired, out-of-state citizen based upon historical bar status and continuing licensure in another State without adjudicating the jurisdictional predicate necessary to that exercise of governmental power.

7. **FIRST CHOICE REQUIRES STATES TO ESTABLISH ATTRIBUTION FIRST BEFORE HARM OF ALLEGATION IN PROFESSIONAL DISCIPLINE FOR SPEECH ARE PUBLISHED**

Attorney-speech cases ordinarily begin with an identified speaker and ask whether the lawyer's statement was false, knowingly or recklessly made, constitutionally protected, or professionally sanctionable. This case begins one step earlier. Petitioner denies making the statements.

That distinction is fundamental. The State cannot constitutionally impose professional punishment for speech without first establishing that the person being punished was the speaker. Yet the disciplinary process below treated attribution as established while denying Petitioner the discovery and meaningful adversarial proceeding through which attribution could be tested.

Petitioner denied ownership and control of the social-media accounts attributed to her. She identified third-party vendor evidence, platform documentation, and forensic material that she contends undermined attribution. She sought discovery concerning the underlying evidence. Her filings identify fifty-five discovery denials. She then was denied meaningful access to the Hearing Board proceeding at which attribution could have been tested.

Oklahoma's treatment of Petitioner's actual language illustrates the related danger of altered attribution. One disciplinary characterization attributed to Petitioner a comparison of Illinois judges to the "Jim Crow South." Her pleading did not make that statement. It challenged Illinois's use of a status-based methodology for jurisdiction and evidence. Oklahoma's own subsequent jurisdictional analysis then substantially confirmed

the premise Petitioner had actually advanced: continuing professional status was being used to support continuing Illinois regulatory authority.

The problem therefore exists at two levels. Speech Petitioner denies ever authoring was attributed to her. And language she did author was materially transformed before being characterized as false or professionally improper.

This Court need not determine the outer boundary of a lawyer's constitutional right to criticize judges. Oklahoma itself recognizes that attorney criticism of the judiciary is not automatically subject to discipline merely because it is harsh, derogatory, or disrespectful. See *State ex rel. Oklahoma Bar Ass'n v. Porter*, 1988 OK 114, 766 P.2d 958; *State ex rel. Oklahoma Bar Ass'n v. Durbin*, 2025 OK 50. The question here precedes that constitutional balance:

Before professional discipline may be imposed for speech, must the State establish through constitutionally adequate evidence and process that the respondent actually made the statement being punished?

The answer should be yes. Falsity, knowledge, recklessness, professional relevance, and constitutional protection all presuppose an identified speaker. Where authorship is materially disputed, attribution cannot constitutionally be supplied by assumption.

Nor can a second State cure the defect through reciprocity. A receiving State cannot treat attribution as established merely because the originating judgment recites it when the respondent specifically challenges whether that foundational fact was ever

adjudicated through constitutionally adequate process. To do so transforms the foreign judgment from evidence of an adjudication into a substitute for one.

That is particularly problematic in a summary reciprocal system. Oklahoma treats the foreign disciplinary materials as the charge and prima facie evidence precisely because adjudicative work supposedly occurred elsewhere. Where the identity of the speaker was specifically contested but never meaningfully tested, the predicate necessary for that presumption is itself missing.

A State may regulate a lawyer's speech within constitutional limits. It cannot first substitute the speaker. This Court should grant review to establish that attribution is a constitutional predicate that must be adjudicated through constitutionally adequate process before speech may become the basis for professional deprivation.

X.

CONCLUSION

This case does not ask the Court to supervise state attorney discipline or to reconsider factual determinations made through constitutionally adequate state proceedings. It presents the opposite problem: the determinations necessary to support the deprivation were never made.

Petitioner challenged Illinois's jurisdiction over her post-retirement, out-of-state conduct. She challenged the authority by which the disciplinary charge proceeded. She denied authorship of the speech attributed to her and sought discovery necessary to test attribution. She requested a jurisdictional hearing, an evidentiary hearing, and disability accommodation necessary to participate. Those predicates passed through the Illinois

disciplinary system without adjudication. The resulting disposition nevertheless became the “final adjudication” upon which Oklahoma based summary reciprocal disbarment.

Oklahoma could have supplied the missing constitutional checkpoint. Petitioner raised the unresolved predicates again, requested a hearing, invoked Title II, and invoked *Selling v. Radford*. Oklahoma instead treated the Illinois disposition as sufficient to justify summary process while holding that the independent reciprocal review identified in *Selling* did not govern its proceeding. The result was circular: Illinois’s judgment justified Oklahoma’s refusal to repeat adjudication, while no tribunal determined whether Illinois had supplied the adjudication Oklahoma presumed.

The Constitution cannot permit governmental power to become more conclusive as adjudication becomes less available. Finality cannot substitute for jurisdiction. Reciprocity cannot substitute for due process. Professional status cannot substitute for an adjudicated jurisdictional nexus. And a foreign judgment cannot substitute for proof that the person being punished actually committed the conduct attributed to her.

Nor can reciprocal discipline operate as a mechanism for transmitting constitutional defects between sovereigns. Where a respondent makes a substantial, record-supported showing that denial of disability access, ancestry-based treatment, evidentiary infirmity, or another constitutionally prohibited consideration materially entered the originating proceeding, the receiving State cannot presume the resulting judgment constitutionally reliable while refusing to examine the record necessary to test that presumption. If lawful and unlawful grounds cannot be separated, the foreign

disposition cannot constitutionally supply the predicate for summary professional deprivation.

The federalism problem is equally fundamental. Respect for state judgments presupposes adjudication. When a State actually decides a preserved federal question, established principles govern review of that determination. But when coercive state power proceeds while the necessary federal predicates remain undecided, federalism cannot transform the absence of adjudication into a reason that no tribunal may ever provide one. Otherwise a federal right can disappear between sovereigns without ever being rejected on its merits.

This case presents that boundary in an unusually clean posture. Petitioner does not ask whether concededly authored attacks upon judges are protected. She denies making the statements. She does not ask whether Illinois reached the wrong jurisdictional conclusion after a hearing. She requested the hearing and did not receive it. She does not seek reconsideration of constitutional determinations already made by Illinois or Oklahoma.

There are no such determinations to reconsider.

The consequences extend beyond Petitioner. Interstate professional regulation increasingly depends upon reciprocal recognition. That system can function only if reciprocity means recognition of an adjudication, not propagation of an accusation that acquired finality without the constitutional predicates upon which reciprocal reliance depends. A system in which State A may decline adjudication, State B may rely upon State A because its judgment is final, and federal courts may then decline review because State

B has entered judgment leaves the Federal Constitution without a tribunal responsible for enforcing it.

Selling and *Ruffalo* already point toward the answer. *Lane* confirms that disability does not disappear at the courthouse door. And the Constitution itself supplies the principle underlying them all: before government may impose the ultimate professional deprivation, jurisdiction, notice, access, attribution, and the other preserved constitutional predicates necessary to the exercise of that power must be adjudicated somewhere.

Petitioner does not seek a second adjudication. She seeks the first.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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